

FILED

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2003 AUG -8 PM 6:32

CLERK
US BANKRUPTCY COURT
DISTRICT OF DELAWARE

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:)	Chapter 11
)	
W.R. GRACE & CO., <u>et al</u>)	Case No. 01-01139 (JKF)
)	(Jointly Administered)
Debtors.)	
)	Claim No. 00005557
)	
)	

**RESPONSE TO DEBTORS' SECOND OMNIBUS
OBJECTION TO CLAIMS (NON-SUBSTANTIVE)**


On behalf of claimant, Rodney Erickson (Claim No. 00005557), his attorney, Tom L. Lewis of Lewis & Slovak, P.C., objects to Debtors' Second Omnibus Objection to Claims (Non-Substantive), dated July 21, 2003, and received August 7, 2003, on the basis of improper notice and further responds as follows:

1. Claimant's claim is with respect to asbestos contamination from a Grace product in or on the property.
2. Claimant's claim is based upon the findings of the U.S. Environmental Protection Agency in its Administrative Record and supplement, test results, and other documentation, as well as information obtained from other sources, including but not limited to local and national news reports, articles and meetings.
3. Claimant consented to the production and release of supporting documentation, in the possession of the U.S. Environmental Protection Agency, to Grace and Grace's representatives at the time of submission of claim in March, 2003.
4. Claimant has attached supporting documentation, which was not available at the time the proof of claim was filed.

**RESPONSE TO DEBTORS' SECOND OMNIBUS
OBJECTION TO CLAIMS (NON-SUBSTANTIVE) - 1**

Respectfully submitted this 8th day of August, 2003.

Lewis & Slovak, P.C.

By: 


Tom L. Lewis
P.O. Box 2325
Great Falls, MT 59403
(Attorneys for Claimant)

CERTIFICATE OF SERVICE

I hereby certify that a true and legible copy of the foregoing Response to Debtors' Second Omnibus Objection to Claims (Non-Substantive) was served on the 8th day of August, 2003, by fax and by first class mail, upon the following:

James W. Kapp III, Janet S. Baer and Christian J. Lane
Kirkland & Ellis, LLP
200 East Randolph Drive
Chicago, IL 60601

Scott E. McFarland
Pachulski, Stang, Ziehl, Young, Jones & Weintraub, P.C.
919 North Market Street 16th Floor
Wilmington, DE 19801



Sharon M. Inye

BD- 002225

DK
9/14/02

LIBBY ASBESTOS PROJECT
Contaminant Screening Study
Secondary Structure Information Field Form (IFF)

Field Logbook No.: 100121 Page No.: 64 Site Visit Date: 9.14.02
 Address: 250 DOLPHIN WAY Structure Description: CABIN
 Occupant: RODNEY ERICKSON Phone Number: 293 4302
 Owner (if different than occupant): _____ Phone Number: _____
 Sampling Team: DEANICZLOWSKI / MIKE KATZ / KEN HANCOCK
 Field Form Check Completed by (100% of forms): NJKP
 Screening Field Check Completed by (2% of forms): _____

Data Item	Value	Notes
STRUCTURE ATTRIBUTES		
Property Description	<u>Residential</u> Industrial Commercial	
Surrounding Land Use	<u>Residential</u> Industrial Commercial School Mining Other: _____	
Year of Construction	<u>1965?</u> Unknown	
Square Footage		
Construction Material	<u>Wood frame</u> Masonry/Stone Other: _____	
Number of Floors Above Ground	<u>1</u> 2 3 Other: _____	
Number of Rooms Per Floor Above Ground	1: <u>4</u> 2: _____ 3: _____ Other: _____	
Basement	Yes <u>No</u>	
Heating Source	Wood/Coal <u>Electric</u> Propane/Gas NA Other: _____	
Heat Distribution	Forced air <u>Radiant</u> NA Other: _____	
Was the building remodeled?	Yes <u>No</u>	

DW
9/14/02

- CSS INFORMATION FIELD FORM (continued)

Address: 120 DOLPHIN LAY

BD# 002225

Data Item	Value	Notes
Are there any known areas of exposed vermiculite?	<input checked="" type="radio"/> Yes No If yes, Where: Ceiling Walls Floors <input checked="" type="radio"/> Attic Other: _____	
INDOOR ASSESSMENT		
Vermiculite Insulation Past or Present	Attic: <input checked="" type="radio"/> Yes No NA Walls: Yes <input checked="" type="radio"/> No NA Basement: Yes No <input checked="" type="radio"/> NA Crawl Space: Yes <input checked="" type="radio"/> No NA Other: _____	Visual confirmation of current presence or absence required for attic.
Evidence of Physical Damage?	Yes <input checked="" type="radio"/> No	
Evidence of Water Damage?	Yes <input checked="" type="radio"/> No	
Evidence of vermiculite used in building materials?	Yes <input checked="" type="radio"/> No	
EXPOSURE ASSESSMENT		
Type and Frequency of Activity Near Vermiculite Material	Frequency: Once a day Once a week Once a month <input checked="" type="radio"/> Once a year <hr/> Duration of Contact: <input checked="" type="radio"/> <1 hour 1-2 hours 2-4 hours >4 hours <hr/> Extent of Contact: Heavy Moderate <input checked="" type="radio"/> Light	

-CSS INFORMATION FIELD FORM (continued)

Address: 780 DOLPHIN WAYBD# 003225

Data Item	Value	Notes
CONTAMINANT SCREENING SURVEY ASSESSMENT		
Occupant Information		
Is there any knowledge of former miners, close relative of miners, or any highly exposed persons living or visiting the property?	Yes <u>Unknown</u> No NA	
Is the resident, past or present, diagnosed with an asbestos related disease?	<u>Yes</u> Unknown No NA	
Indoor Information		
Does the interior have Zonolite attic insulation?	<u>Yes</u> Unknown No NA	
Did the interior ever have Zonolite attic insulation?	Yes Unknown <u>NA</u> No	
Are there vermiculite additives in any of the building materials?	Yes <u>Unknown</u> No NA	
ADDITIONAL INFORMATION		

CSS INFORMATION FIELD FORM (continued)

Address: 280 Dolphin Way

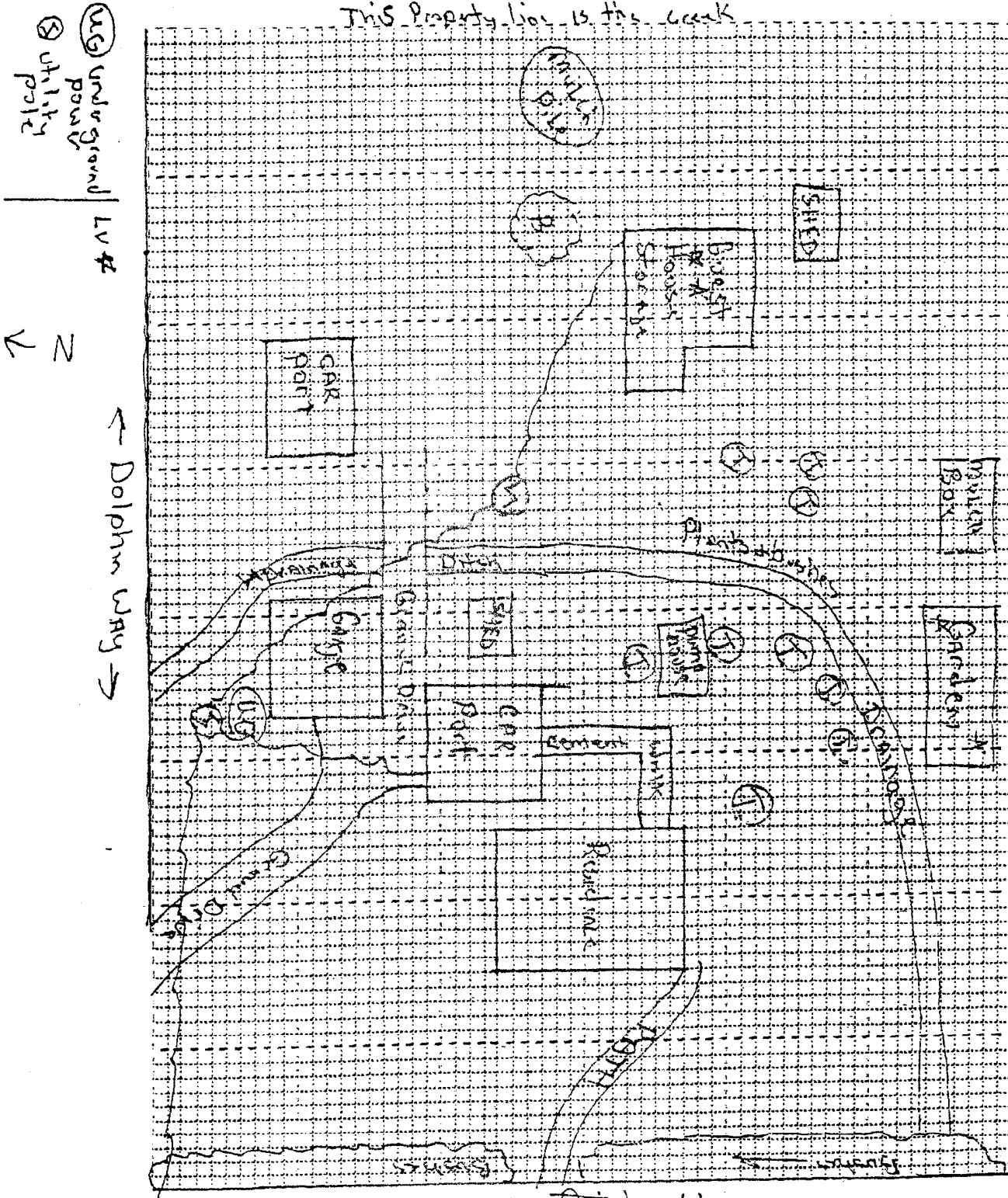
BD# 006096

FIELD DIAGRAM OF PROPERTY

Identify important features (i.e. drainage, trees, gardens, structures, flowerbeds, utility poles, known underground utilities, suspected Libby amphibole source areas, sample locations, etc). Include north arrow.

NOT TO SCALE

This property lies on the creek



CSS INFORMATION FIELD FORM (continued)

Address: 280 Dolphin Way

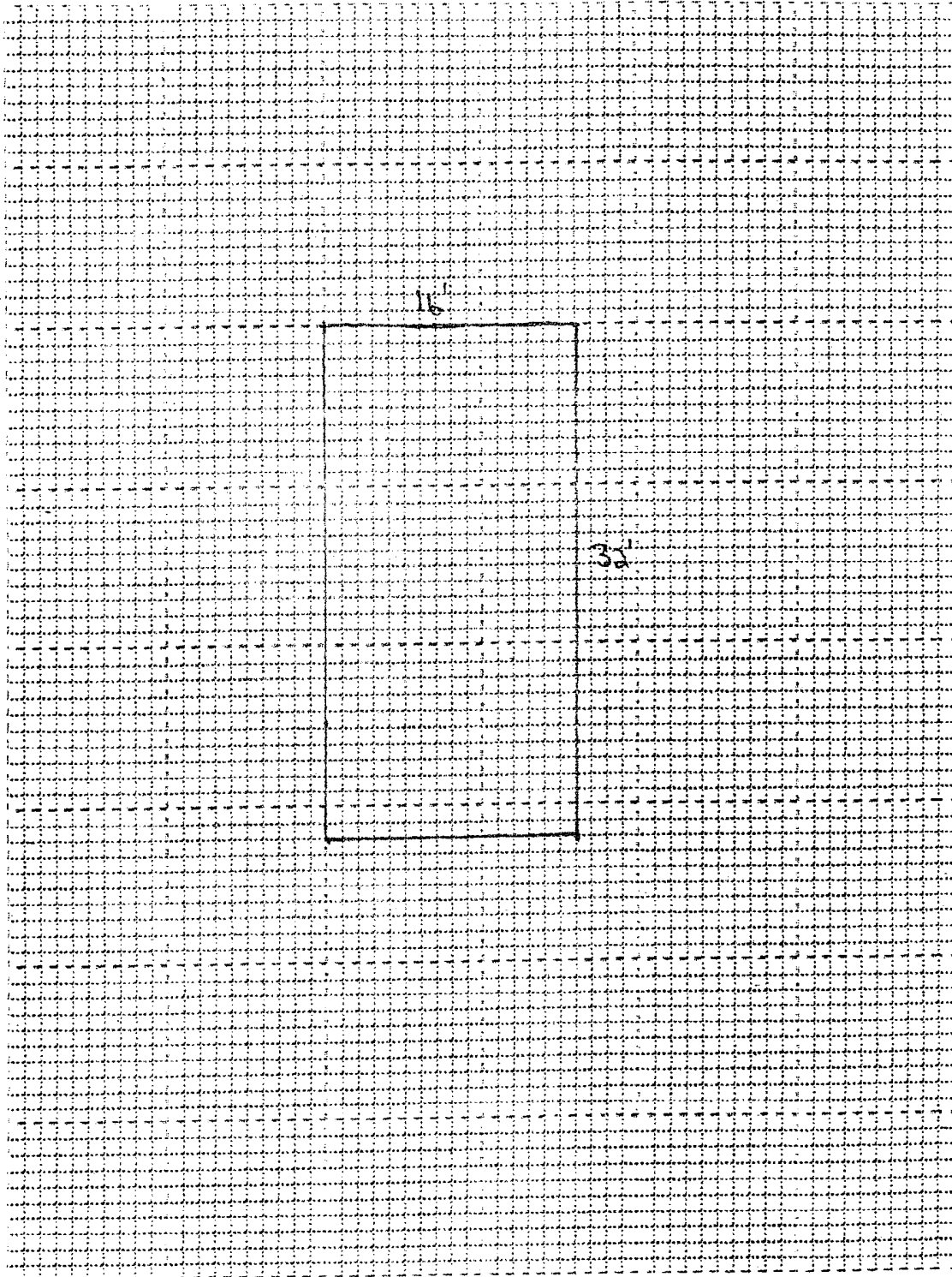
BD# 002225

FIELD DIAGRAM OF SECONDARY STRUCTURE

Floor of House (circle): First Second Third Basement

Include approximate dimensions of rooms and floor covering type. Use more than one diagram if needed.

Scale: 1/10" = 1 foot



BD-002225

/ 9/14/02

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
999 18TH STREET, SUITE 300
DENVER, CO 80202

CONSENT FOR ENTRY AND ACCESS TO PROPERTY

Name: RODNEY ERICSON

Address: 280 DOLPHIN WAY

Phone: 293 4302

Address of Property for which consent for entry and access is being granted:

Relationship to property: OWNER
(i.e., owner, tenant, etc.)

I, the undersigned, am the owner, their representative, or otherwise control the real property at the location described above. The Environmental Protection Agency (EPA) has requested entry and access to my property pursuant to its response and enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act as amended (Superfund), 42 U.S.C. 9601 et seq.

I consent to officers, employees, and authorized representatives of the EPA, including their authorized contractors, entering and having continued access to my property for the following purposes:

1. Visually inspecting the property, including the interior and exterior of any home or any other structures on the property;
2. the taking of such soil, bulk, or dust samples as may be determined to be necessary;
3. the taking of actions to mark or temporarily cover exposed vermiculite.

This written permission is given by me voluntarily with knowledge of my right to refuse and without threats or promises of any kind. I certify that this Consent for Entry and Access is entered into voluntarily and constitutes an unconditional consent and grant of permission for access to the property by officers, employees, and authorized representatives of EPA at reasonable times.

9.14.02
Date

Rodney Ericson
Signature

64

Location 280 Dolphin Way Date 9/19/02
 Project / Client EPA/Volpe
BD-002225 (Cabin) Rodney Ericson

1200 Arrive at 280 Dolphin Way. Obtained signed access agreement form. Completed interview with IFF and inspection. No LVAI or vermiculite observed indoors. No vermiculite observed outdoors. Photo #3 taken.

Assigned BD # PKH 9/14/02

1215 Depart 280 Dolphin Way **BD- 002225**
PKH 9/14/02

PKent Hankinson
PKent Hankinson
09/14/02

US Environmental Protection Agency
Information Center
501 Mineral Avenue
Libby, MT 59923
(406/293-6194) Office
(406/293-5668) Fax

TO STACEY Location/Fax#: 406-761-5805
FROM: Jimda FACSMILE NO. 406/293-5668
PAGES (INCLUDING COVER) 8

REMARKS: Rodney Erickson paperwork for
house. Thank you!

NOTE: IF YOU DO NOT RECEIVE ALL OF THE PAGES, OR ANY ARE NOT
LEGIBLE, PLEASE CALL (406) 293-6194

BD- 002096

COPYSoil samples collected (Date: 9-20-02 DSL)

LIBBY ASBESTOS PROJECT
Contaminant Screening Study
Primary Structure and Property Assessment Information Field Form (IFF)

Field Logbook No.: 136.31 Page No.: 63 Site Visit Date: 9-14-02
 Address: 280 DOLPHIN Structure Description: HOUSE
 Occupant: RODNEY ERICSON Phone Number: 293 4302
 Owner (if different than occupant): _____ Phone Number: _____
 Sampling Team: DEAN KOSLOWSKI / MIKE KISSEL / KENT HANKINSON - GDM
 Field Form Check Completed by (100% of forms): MLK
 Screening Field Check Completed by (2% of forms): _____

Data Item	Value	Notes
HOUSE ATTRIBUTES		
Property Description	<input checked="" type="radio"/> Residential <input type="radio"/> Industrial <input type="radio"/> Commercial	
Surrounding Land Use	<input checked="" type="radio"/> Residential <input type="radio"/> Industrial <input type="radio"/> Commercial <input type="radio"/> School <input type="radio"/> Mining Other: _____	
Year of Construction	<u>1955</u> <input type="radio"/> Unknown	
Square Footage	<u>1100</u>	
Construction Material	<input checked="" type="radio"/> Wood frame <input type="radio"/> Masonry/Stone Other: _____	
Number of Floors Above Ground	<input checked="" type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3 Other: _____	
Number of Rooms Per Floor Above Ground	1: <u>7</u> 2: _____ 3: _____ Other: _____	
Basement	Yes <input checked="" type="radio"/> No	
Heating Source	Wood/Coal <input type="radio"/> Electric <input type="radio"/> Propane/Gas <input checked="" type="radio"/> Other: <u>PELLET STOVE</u>	
Heat Distribution	Forced air <input type="radio"/> Radiant <input checked="" type="radio"/> Other: <u>BLOWER</u>	

CSS INFORMATION FIELD FORM (continued)

BD# 002096

Address: 220 DELPHIN LAU

Data Item	Value	Notes
OCCUPANT INFORMATION		
Number of Adults/Employees	0 <u>(1)</u> 2 3 4 5-15 16-20 21-30 >30	
Number of Children	<u>(0)</u> 1 2 3 4 Other: _____	
Years at Location	<1 1-5 5-10 10-15 <u>>15</u>	1953
Was the residence/building remodeled?	Yes <u>(No)</u> If yes, When (years): <2 2-5 >5 Where: Attic Living Areas Garage Basement Other: _____	
Has resident/business purchased any Libby vermiculite materials from W.R. Grace in the past?	Yes <u>(No)</u>	HAS GIVEN FREE VERMICULITE
Has the property at this location been used for a for-profit enterprise of distributing, treating, storing, or disposing of Libby vermiculite?	Yes <u>(No)</u>	
Are there any known areas of exposed vermiculite?	Yes <u>(No)</u> If yes, Where: Ceiling Walls Floors Attic Other: _____	

CSS INFORMATION FIELD FORM (continued)

BD# 002071

Address: 280 DOLPHIN BLVD

Data Item	Value	Notes
INDOOR ASSESSMENT		
Vermiculite Insulation Past or Present	Attic: DK 7-14-02 Yes <input checked="" type="radio"/> No <input type="radio"/> NA <input type="radio"/> Unknown <input type="radio"/> Walls: Yes <input checked="" type="radio"/> No <input type="radio"/> NA <input type="radio"/> Unknown <input type="radio"/> Basement: 9-14-02 Yes <input type="radio"/> No <input checked="" type="radio"/> NA <input type="radio"/> Unknown <input type="radio"/> Crawl Space: 9-14-02 Yes <input checked="" type="radio"/> No <input type="radio"/> NA <input type="radio"/> Unknown <input type="radio"/> Other: _____	Visual confirmation of current presence or absence required for attic. NO INSPECTION ALLOWED
Evidence of Physical Damage?	Yes <input type="radio"/> No <input checked="" type="radio"/>	
Evidence of Water Damage?	Yes <input type="radio"/> No <input checked="" type="radio"/>	
OUTDOOR ASSESSMENT		
Libby Amphibole Sources Present	Garden: <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA Yard: Yes <input checked="" type="radio"/> No <input type="radio"/> NA Stockpiles: Yes <input type="radio"/> No <input checked="" type="radio"/> NA Other: _____	OBSERVED VERMICULITE IN GARDEN
Proximity to Other Properties with Potential Sources of Libby Amphiboles	Next door Within same block Other: _____ <input checked="" type="radio"/> Unknown	

CSS INFORMATION FIELD FORM (continued)

BD# 003076

Address: 280 DOLPHIN WAY

Data Item	Value	Notes
EXPOSURE ASSESSMENT		
Type and Frequency of Activity Near Vermiculite Material - Indoor	Frequency: <ul style="list-style-type: none"> Once a day Once a week Once a month Once a year <u>Not Applicable</u> 	Not Applicable applies when no vermiculite is present on the property.
	Duration of Contact: <ul style="list-style-type: none"> <1 hour 1-2 hours 2-4 hours >4 hours <u>Not Applicable</u> 	
	Extent of Contact: <ul style="list-style-type: none"> Heavy Moderate Light <u>Not Applicable</u> 	
Type and Frequency of Activity Near Vermiculite Material - Outdoor	Frequency: <ul style="list-style-type: none"> <u>Once a day</u> Once a week Once a month Once a year Not Applicable 	Not Applicable applies when no vermiculite is present on the property.
	Duration of Contact: <ul style="list-style-type: none"> <u><1 hour</u> 1-2 hours 2-4 hours >4 hours Not Applicable 	
	Extent of Contact: <ul style="list-style-type: none"> Heavy <u>Moderate</u> Light Not Applicable 	

CSS INFORMATION FIELD FORM (continued)

BD# 201094

Address: 280 DOLPHIN LANE

Data Item	Value	Notes
CONTAMINANT SCREENING STUDY ASSESSMENT		
Occupant Information		
Is there any knowledge of former miners, close relative of miners, or any highly exposed persons living or visiting the property?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Unknown	
Is the resident, past or present, diagnosed with an asbestos related disease?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Unknown	
Indoor Information		
Does the interior have Zonolite attic insulation?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Unknown	
Did the interior ever have Zonolite attic insulation?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Unknown	NA applies if attic currently has ZAI.
Are there vermiculite additives in any of the building materials?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Unknown	
Outdoor Information		
Is there any evidence of primary source materials at or near the property?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Unknown	GARDEN
Could this have been tracked indoors or otherwise spread outdoors on the property?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Unknown	
Overall Assessment		
Are primary source materials present at the property?	<input checked="" type="radio"/> Yes <input type="radio"/> No	
Where are primary source materials located?	<input type="radio"/> Inside <input checked="" type="radio"/> Outside <input type="radio"/> Both	
ADDITIONAL INFORMATION <u>VERMICULITE IN GARDEN</u> <hr/> <hr/> <hr/> <hr/>		

CSS INFORMATION FIELD FORM (continued)

BD# 002096

Address: 300 Dolphin Way

FIELD DIAGRAM OF PRIMARY STRUCTURE

Include approximate dimensions of attic. Use more than one diagram if needed. Completed only if ZAI is present.

Scale: 1/10" = 1 foot

NO
Interior
Inspection
noted